

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PATRICK KINGSTON,

*Plaintiff,*

vs.

**AFFIRMATION OF NO OPPOSITION**

**Case No. 12-CV-349S(F)**

CARDINAL O'HARA HIGH SCHOOL, *et. al.*,

*Defendants.*

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The undersigned, Michael E. Appelbaum, Esq., an attorney at law, affirms that the following statements are true under penalties of perjury:

1. I am an attorney at the law firm Damon Morey LLP, counsel to Defendant, The Boys and Girls Club of the Northtowns Foundation, Inc. ("Boys & Girls") in the above-referenced matter.
2. I am fully familiar with the facts herein, and am competent to offer testimony.
3. I make this affirmation in connection with the motion to remand filed by Plaintiff, Patrick Kingston ("Plaintiff").
4. The Boys & Girls submit this affirmation pursuant to the Scheduling Order filed by the Court on May 2, 2012. (Docket No. 11.)
5. Simply put, the Boys & Girls do not oppose Plaintiff's motion to remand.

DATED: May 18, 2012  
Buffalo, New York

/s/ Michael E. Appelbaum  
Michael E. Appelbaum

Doc #1698307.1

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 18, 2012, I filed the Affirmation of No Opposition dated May 18, 2012 with the Clerk of the District Court using its CM/ECF system and thereby served the following CM/ECF participants:

Frank J. Dolce, Esq. ([fdolce@cldplaw.com](mailto:fdolce@cldplaw.com))  
Thomas J. Speyer, Esq. ([tspeyer@cheluslaw.com](mailto:tspeyer@cheluslaw.com))

Dated: Buffalo, New York  
May 18, 2012

**DAMON MOREY LLP**

By: /s/ Michael E. Appelbaum  
Michael E. Appelbaum, Esq.  
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